

Roger Duronio  
Plaintiff Pro Se  
110 Gray St.  
Bogota, NJ 07603  
551-574-8851  
[Rfduronio@gmail.com](mailto:Rfduronio@gmail.com)

CLERK  
U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY  
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## United States District Court

### District Of New Jersey

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Roger F. Duronio

Plaintiff,  
U.S.D.J.

(ESK)

v.

Kelly Parker. et. Al.,  
Defendants

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| Hon. Jamel K. Semper,

| Civil Action No. 23-1446 (MCA)

### Reply To Governments Motion to Dismiss

On page two of its motion the Government asserts, under the title "Background," that "Judge Jose Linares" sentenced Duronio to 97 months in prison. It was Judge Greenaway, now on the Third Circuit, I believe, who was the Trial Judge and the sentencing Judge in 2006.

Assistant U.S. Attorney, Inkeles statements is correct, as far as it goes, the Executive has taken money from Plaintiff without due process of law. Actually, without

any process of law.

There is also the charging of interest when the Court ordered no interest. See the attached page 5 of the Plaintiff's Sentencing documents. The charging of interest was not some simple oversight of the Department of Justice (DOJ). The interest, % 4.98, is recorded on the lien placed on my house by the DOJ and is recorded in the Bergen County Courthouse in Hackensack, NJ.

To be plain – The executive has ignored Judicial Orders and violated laws in doing so. Another violation is bookkeeping that is impossible to follow.

Defendants also changed Plaintiff's restitution payment schedules, in violation of the law, 18 US [article] 3663A and 3664. The payment schedule is a Final Judgement of a Federal Court which can only legally be modified by a Court, 18 U.S. [article] 3664(o). The Payment receipts demonstrate 3 changes in payment schedules. IN U.S. v Coates 178 F, 3d 681 (3<sup>rd</sup> Cir 1999) and Corley 500 F.3d 210 (3<sup>rd</sup> Cir) The Third Circuit Court of Appeals settled that the "fixing of restitution payments is a judicial act...".

The U.S. Attorney New Jersey's Financial Litigation Unit told the Treasury that Plaintiff's debt was owed to the U.S. Attorney's Office. The sentencing document plainly says the debt is owed to UBS Bank. Just like it said, "no interest".

Subsequently, the Treasury accepted the statement at face value from the DOJ and acted on it. The Treasury took \$277 monthly. When I got a raise in my Social Security payment, the Treasury raised the amount it took to \$305. Ms. Parker had previously changed my payment, after we discussed what I could pay. We negotiated to \$125 / month. My payment schedule, set by Judge Greenaway and a Final Judgement of the Court, has been changed by the Executive, three times, in the face of the law and Third Circuit cases that ruled that it is illegal for the executive to do so.

I point this out because the Defendant's Motion to Dismiss states: "Federal agencies like the Department of Justice, are statutorily authorized to ... collect delinquent debts owed through administrative offsets. (p. 4 of motion)

This citation is misapplied here. If the debt is "owed" to the United States, the implication and argument is pertinent (but not determinative). The law says DOJ can collect, or must collect, on a claim of the United States arising out of the activities of, or referred to, the agency. And it must "be determined" by an appropriate official of the Federal Government to be owed to the United States, by a person, organization, or entity, other than another Federal Agency.

Judge Greenaway clearly said Plaintiff owed it to UBS Bank.

Plaintiff's Bivens, 403 U.S. 388, claim is totally embraced by the ruling history of "Bivens" cases. Bivens had his right to be secure in his "person" papers, and effects" and the Fourth Amendment of the Constitution supplied the legal basis for his successful suit.


Shirley Davis, of Davis v Passman, 442 U.S. 228 resulted in "...a cause of action and a damages remedy can also be implied directly under the Constitution when the Due Process Clause of the Fifth Amendment is violated".

There is nothing "new" in Plaintiff's request that the Court stop the Executive from making decisions that ignore a person's right to due process of law and the equal protection of the law. 42 USC 1983 is Congress' addressing of the problem of persons holding legal authority can and do exceed the authority they are entrusted with. The

Executive here has avoided proper application of its vast powers and failed to promulgate the correct, legal, Constitutional manner to address problems between the agencies and the public. The U.S. Attorneys did not properly assist the members of the Financial Litigation Unit. The U.S. Attorney of NJ failed to properly regulate and assist His Staff of Assistant U.S. Attorneys. The Attorney General failed to give competent assistance to the New Jersey U.S. Attorney and the Treasurer of the U.S. The President did not give enough guidance to the Attorney General. We the people of the United States, in seeking to make a more perfect Union failed to demand from our Executives that they execute the laws without violating or ignoring those laws. Plaintiff's Biven's claims should go forward and will be proven to be correct.

Plaintiff respectfully requests this Honorable Court permit the case to go forward and permit discovery to proceed.

Respectfully submitted,  
Roger F. Duronio

A handwritten signature in cursive script that reads "Roger F. Duronio". The signature is written in dark ink and is positioned below the typed name.

Defendant: ROGER DURONIO  
Case Number: 02-933-01

### RESTITUTION AND FORFEITURE

#### RESTITUTION

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee (Victim)</u>	<u>Amount of Restitution</u>
UBS Financial Services, Inc. 1200 Harbor Boulevard Weehawken, N.J. 07086	\$3,162,376.00

Payments of restitution are to be made payable to U.S. Treasury and mailed to Clerk, U.S.D.C., 402 East State Street, Rm 2020, Trenton, New Jersey 08608 for distribution to the victim(s).

The restitution is due immediately. It is recommended that the defendant participate in the Bureau of Prisons Inmate Financial Responsibility Program. In the event the entire restitution is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of no less than \$200.00, to commence 30 days after release from confinement. The Court waived the interest requirement on the restitution payment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.



DEPARTMENT OF JUSTICE  
NOTICE OF LIEN FOR FINE AND/OR  
RESTITUTION IMPOSED PURSUANT TO  
THE ANTI-TERRORISM AND EFFECTIVE  
DEATH PENALTY ACT OF 1996

For Optional Use By  
Recording Office

United States Attorney's Office for  
the District of New Jersey  
USAO No. 2006Z01316

NOTICE is hereby given of a lien against the property of the defendant named below. Pursuant to Title 18, United States Code, § 3613(e), a fine or an order of restitution imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person fined or ordered to pay restitution. Pursuant to § 3613(d), a notice of lien shall be considered a notice of lien for taxes for the purposes of any State or local law providing for the filing of a tax lien. The lien arises at the time of the entry of judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to § 3613(b).

Name of Defendant: Roger Duronio  
Residence: 110 Gray Street  
Bogota, New Jersey 07603  
Amount of Special Assessment/Fine/Restitution: \$3,162,576.00  
Court Imposing Judgment: U.S. DISTRICT COURT OF NEW JERSEY  
Court Number: 02-933  
Date of Judgment: December 13, 2006  
Rate of Interest: 4.98%

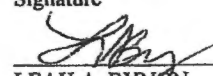
If payment becomes past due, penalties totaling up to 25 percent of the principal amount past due may arise. 18 U.S.C. § 3612(g).

IMPORTANT RELEASE INFORMATION—With respect to the lien listed above, this notice shall operate as a certificate of release pursuant to 18 U.S.C. § 3613(b) by operation of law, but not before twenty years plus term of imprisonment.

PLACE OF FILING: Bergen County, Hackensack, NJ 07601-7698

This notice was prepared and signed at Newark, New Jersey on January 29, 2007.

Signature

  
LEAH A. BYNON  
ASSISTANT U.S. ATTORNEY

2007 MAR 12 PM 12:46  
RECEIVED AND FILED  
CLERK

**U.S. DEPARTMENT OF JUSTICE**

New Jersey  
Federal Building, Room 701  
970 Broad St.  
Newark, NJ 7102

**Debtor Statement**

For inquiries regarding debt call: 973-297-2001

DATE OF STATEMENT	09/30/2014
ACCOUNT NUMBER	2007A57393/001

Retain top portion for your records. This is your official receipt. This statement reflects the balances for this debt only. You may have additional outstanding debt. Federal Statute requires that a payment application is applied to principal first then interest. (18 U.S.C. Section 3612 (i))

Roger Duronio  
110 Gray Street  
Bogota, NJ 07603

Payment Application				CURRENT BALANCE INFORMATION	
Payment Amount	\$200.00	Payment Date	09/03/2014		
Debt Type	Payment Amount to Principal	Payment Amount to Interest	Interest Rate	Principal Balance	Interest Balance
Non-Federal Restitution	-\$200.00	\$0.00	4.98%	\$3,158,034.61	\$1,209,182.86
Federal Restitution	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Fine	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Community Restitution	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Special Assessment	\$0.00	N/A	N/A	\$0.00	N/A
Criminal Court Costs	\$0.00	N/A	N/A	\$0.00	N/A
Penalty	\$0.00	N/A	N/A	\$0.00	N/A
<b>Total Balance:</b>				<b>\$4,367,217.47</b>	

Current Activity			
Overdue Amount	Next Payment Amount	PAY THIS AMOUNT	Date Payment Due
\$0.00	\$200.00	\$200.00	10/15/2014

If this is an interest-bearing debt, additional interest accrues daily. For payoff information, please call the telephone line listed above.

**MAKE YOUR PAYMENT PAYABLE TO CLERK, U.S. DISTRICT COURT. Include Court Number on your payment. DO NOT SEND CASH.**

Please detach and enclose the bottom portion with payment



**U.S. DEPARTMENT OF JUSTICE**  
 New Jersey  
 Federal Building, Room 701  
 970 Broad St.  
 Newark, NJ 7102

**OVERDUE Debtor Statement**

For inquiries regarding debt call: 973-297-2001

Roger Duronio  
 110 Gray Street  
 Bogota, NJ 07603

DATE OF STATEMENT	01/31/2018
ACCOUNT NUMBER	2007A57393/001

Retain top portion for your records. This is your official receipt. This statement reflects the balances for this debt only. You may have additional outstanding debt. Federal Statute requires that a payment application is applied to principal first then interest. (18 U.S.C. Section 3612 (i))

Payment Application				CURRENT BALANCE INFORMATION	
Payment Amount	\$200.00	Payment Date	01/11/2018		
Debt Type	Payment Amount to Principal	Payment Amount to Interest	Interest Rate	Principal Balance	Interest Balance
Non-Federal Restitution	-\$200.00	\$0.00	0.00%	\$1,212,107.61	\$462,156.75
Federal Restitution	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Fine	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Community Restitution	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
Special Assessment	\$0.00	N/A	N/A	\$0.00	N/A
Criminal Court Costs	\$0.00	N/A	N/A	\$0.00	N/A
Penalty	\$0.00	N/A	N/A	\$0.00	N/A
<b>Total Balance:</b>				<b>\$1,674,264.36</b>	

Current Activity			
Overdue Amount	Next Payment Amount	PAY THIS AMOUNT	Date Payment Due
\$300.00	\$200.00	\$500.00	02/15/2018

If this is an interest-bearing debt, additional interest accrues daily. For payoff information, please call the telephone line listed above.

**MAKE YOUR PAYMENT PAYABLE TO CLERK, U.S. DISTRICT COURT. Include Court Number on your payment. DO NOT SEND CASH.**

Please detach and enclose the bottom portion with payment

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